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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

AUG 26 1996

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Amendment of Section 73.202(b) ) MM Docket No. 96-142  
Table of Allotments ) RM-8829  
FM Broadcast Stations )  
(Woodville, Florida) )  
 )  
TO: Chief, Allocation Branch )

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COMMENTS AND COUNTERPROPOSAL

St. Marks Broadcasting, by its attorneys and pursuant to Sections 1.401 and 1.420 of the Commission's Rules, hereby submits its comments and counterproposal in the above-captioned rulemaking proceeding. St. Marks Broadcasting requests that the Commission deny the petition of George Roberts d/b/a Anchor Communications ("Anchor") to amend the FM Table of Allotments to allot Channel 250A at Woodville, Florida, and instead amend the FM Table of Allotments to allot Channel 250A at St. Marks, Florida, as St. Marks' first local service. In support of this request, St. Marks Broadcasting states the following:

1. There are no aural service allotments in St. Marks, Florida or Woodville, Florida. However, Woodville, a suburb of Tallahassee located in Leon County, currently receives more than ten FM services. By contrast, only five FM stations provide radio service to St. Marks, which is located in Wakulla County. In

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addition, 14 radio stations are licensed to communities in Leon County, yet only one station is licensed to a community in Wakulla County.<sup>1</sup> The allotment of Channel 250A to St. Marks would provide St. Marks with its first local FM service, allow it to receive its sixth FM service and provide only the second radio station licensed to a community in Wakulla County. In contrast, an allotment of the channel to Woodville would give Leon County its 15th licensed station. The allotment of Channel 250A at St. Marks would better fulfill the objective of Section 307(b) of the Communications Act, which requires a fair, efficient and equitable distribution of radio services.<sup>2</sup> Channel 250A can be allotted to St. Marks consistent with the Commission's distance separation requirements (See Engineering Exhibit attached hereto).

2. St. Marks is a city deserving of a local service. In determining whether or not to allot a channel to a community, the Commission examines the proposal vis a vis its FM allotment priorities. These priorities are: (1) first aural service; (2) second aural service; (3) first local service; and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3). Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 90-93 (1982). Criteria one through three of the allotment priorities favor neither Woodville nor St. Marks, but

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<sup>1</sup> The only station licensed to a community in Wakulla County is Station WAKU(FM), Crawfordville, Florida.

<sup>2</sup> See 47 U.S.C. 307(b).

analysis of the public interest benefits warrant the allotment of Channel 250A to St. Marks. St. Marks is an independent, self-contained community, isolated in a rural area with fewer aural services than Woodville. In contrast, Woodville is not an independent, self-contained, autonomous community, but merely a bedroom community of Tallahassee, Florida. Furthermore, St. Marks is more than three times as far away from Tallahassee than Woodville. The provision of service to St. Marks, a rural community that is not part of a larger urban area, will better serve the public interest.<sup>3</sup>

3. Woodville is dependent upon Tallahassee. Although Woodville has some identifying characteristics, such as its own post office, fire station and elementary school,<sup>4</sup> the community is hardly autonomous. Woodville is not incorporated although it is listed as a Census Designated Place ("CDP") by the U.S. Census Bureau. According to the U.S. Census Bureau, a "CDP" is not a legally incorporated entity and has no elected officials serving municipal functions.<sup>5</sup> Consistent with being designated a "CDP",

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<sup>3</sup> See Headland, Alabama, and Chattahoochee, Florida, 10 FCC Rcd 10352 (1995) (FCC further refines its analysis due to concern over the allotment of channels from rural communities to suburban communities within and proximate to Urbanized areas).

<sup>4</sup> See Notice of Proposed Rulemaking, In the Matter of Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations, (Woodville, Florida), MM Docket 96-142, RM-8829, Released July 5, 1996.

<sup>5</sup> The U.S. Census Bureau provides no yearly population estimates for a CDP, only population data from each ten-year Census.

Woodville does not have its own government and is governed by Leon County. The city of Tallahassee handles trash, water, sewer and electric service for Woodville residents and most Woodville residents commute to Tallahassee for work and shopping. Woodville is maintained primarily by Tallahassee services. Thus, Woodville cannot be considered separate and/or apart from Tallahassee. As a bedroom community to Tallahassee, Woodville is less deserving than St. Marks for the allotment of a first local service.

4. St. Marks is a U.S. Census-recognized, incorporated city. Its population is 307.<sup>6</sup> Although St. Marks' population is smaller than Woodville's, St. Marks' commercial activity draws employees from various counties to the city. There are many businesses and industries such as the five oil transporting companies, the tourist industry and the active fishing industry located in St. Marks, and each attracts many employees from outside of the city. A local FM service should be placed in St. Marks to serve the city's vibrant labor force.

5. St. Marks is a viable community providing local services for its own residents. Unlike Woodville, the city has its own elected political governing body consisting of a mayor, city council and an appointed city-manager. St. Marks handles its own water, sewer and solid waste collection and also has its own post

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<sup>6</sup> Source: 1990 Figures, U.S. Department of Commerce, Bureau of Census Population Division, PPL-33.

office, fire fighting service and zip code (32355).<sup>7</sup> A number of businesses, including restaurants, shops, and the bank located one mile outside of the city limits, are associated with the city of St. Marks and serve the needs of St. Marks' residents. There is also a community center and church that serve St. Marks' residents. Many of the community characteristics associated with St. Marks cannot be attributed to Woodville, as Woodville relies on the larger city of Tallahassee for much of its day-to-day existence. In contrast, St. Marks is a self-sustaining community.<sup>8</sup> Woodville's viability as a community deserving of a channel allotment pales in comparison to St. Marks; the mere existence of people residing in an identifiable geographic area does not always rise to the level of "community" status for allotment purposes.<sup>9</sup> The Commission should allot Channel 250A to St. Marks as a community deserving of a first local FM service.

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<sup>7</sup> Woodville shares its zip code with other communities in Leon County and in fact, mail destined for residents of Woodville is actually addressed to them in Tallahassee.

<sup>8</sup> See Moncks Corner, Kiawah Island, and Sampit, South Carolina, MM Docket 94-70, DA 96-1149, Released July 19, 1996 (stating one indicia of a community suitable for a channel allotment is one where entities within the community intend to serve the needs of that community).

<sup>9</sup> See Kula, Hawaii, 11 FCC Rcd 6658 (1996) (stating that although the Commission has defined "communities" as geographically identifiable population groupings, mere geographic location is not sufficient enough to establish "community" status).

6. St. Marks attracts tourists worldwide to the city as a result of the San Marcos de Apalchee Historical Museum. Additionally, immediately outside the city limits is the St. Marks Wildlife Refuge and the St. Marks Light House, two other tourist attractions. St. Marks has a need for a local radio service, as it must provide relevant local information not only to its residents, but to the many tourists who visit the city. Woodville has no tourist attractions. In contrast, the community status of St. Marks, which has businesses and attracts commuting, non-resident employees, is further enhanced by the active tourist industry.

7. St. Marks is a coastal city located between two rivers and has three marinas. As a result of its geographic location, St. Marks residents are susceptible to hurricanes and major storms. In fact, this area was particularly hard hit during the major storms of 1994 when many businesses, homes and fishing interests were destroyed as a result of the life-threatening weather. A first local radio station for St. Marks would be a vital public service to the city's residents, as the station could broadcast emergency warnings of approaching hurricanes and storms. Thus, not only do public interest benefits warrant the allocation of Channel 250A at St. Marks, but the allocation will help ensure the health and safety of St. Marks' residents.

8. In sum, St. Marks Broadcasting requests that the Commission DENY the petition of George Roberts d/b/a Anchor Communications ("Anchor") to amend the FM Table of Allotments to allot Channel 250A at Woodville, Florida, and instead GRANT this counterproposal and amend the FM Table of Allotments to allot Channel 250A at St. Marks, Florida. The public interest would be better served by allotting Channel 250A to St. Marks, a unique community, which is more than just a suburb of a larger city. If Channel 250A is allotted to St. Marks, St. Marks Broadcasting intends to file with the Commission an application for a construction permit for the station, and if awarded the permit, intends to construct and operate Channel 250A at St. Marks.

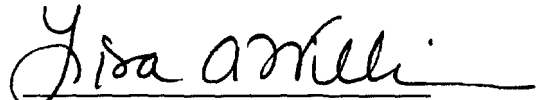
Respectfully Submitted,

**ST. MARKS BROADCASTING**

By:



Linda J. Eckard



Lisa A. Williams

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Its Attorneys

August 26, 1996

**ENGINEERING EXHIBIT**



**COUNTER PROPOSAL**  
**Docket 96-142, RM-8829**  
**Assignment of Channel 250A**

St. Marks, Florida  
August 1996

**INTRODUCTION**

This Technical Exhibit supports the counter proposal to the allotment of Channel 250A to Woodville, Florida. *Docket 96-142, RM-8829* proposes to assign Channel 250A as the first local assignment to Woodville, Florida. In this counter proposal we propose the assignment of Channel 250A to St. Marks, Florida instead of Woodville, Florida.

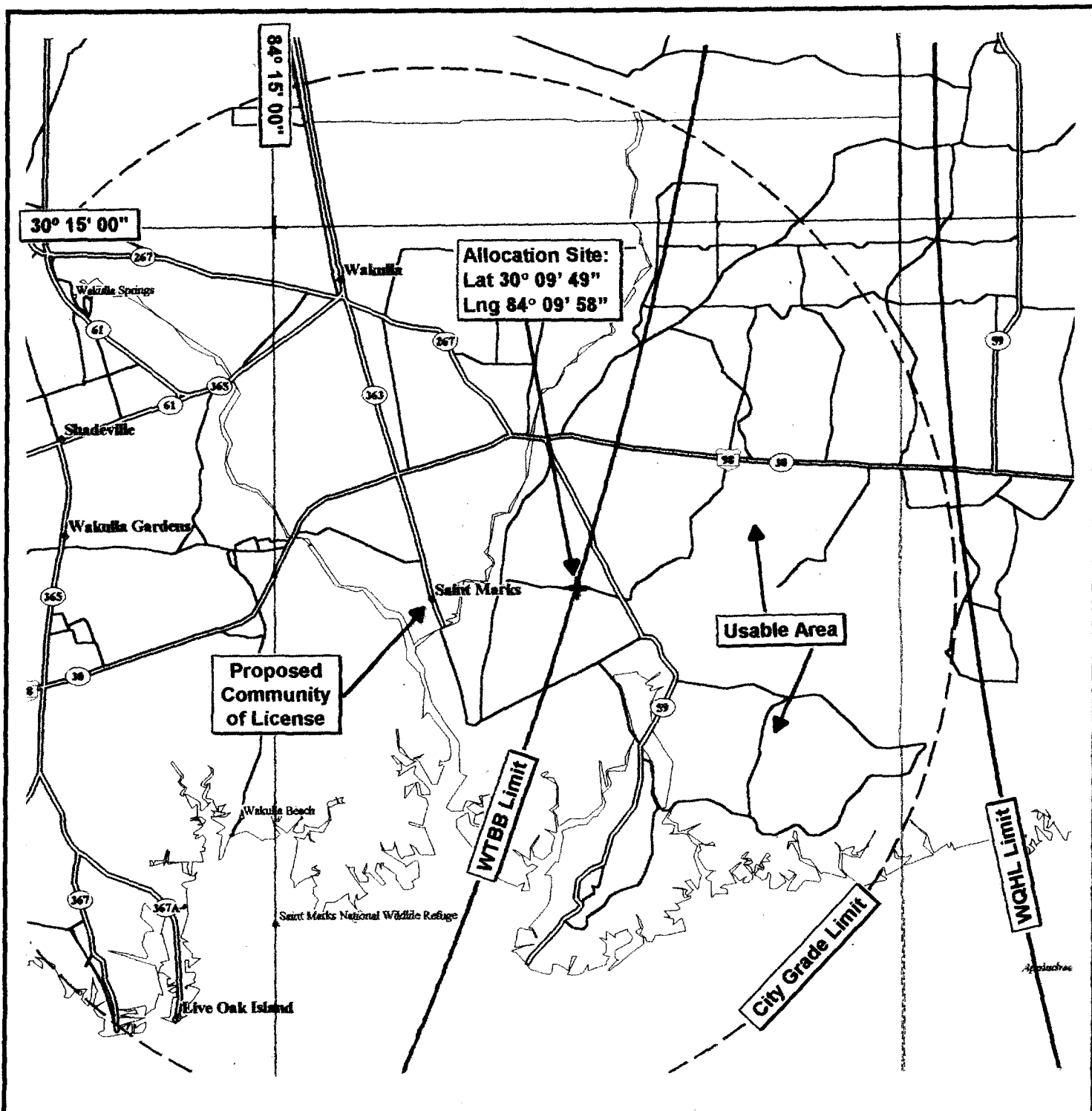
Channel 250A can be assigned to St. Marks utilizing an allocation point of North Latitude 30° 09' 49" and West Longitude 84° 09' 58". This site is located 4 km east of the center of St. Marks. From this point Channel 250A can be assigned and meet all FM spacing requirements of §73.207 of the Commission's Rules. Additionally, a maximum Class A facility will provide 3.16 mV/m service to a distance of 16 km. The distance from the allocation site is only 5 km from the furthestmost border of St. Marks. Therefore, the entire community will receive 3.16 mV/m or greater service.

We show this area in detail on Exhibit #1. This Exhibit clearly shows the "Usable Area" for Channel 250A at St. Marks. The §73.207 and §73.315 limits. Exhibit #2 is a tabulated showing of the proposed site and all stations considered under §73.207.

**BROMO COMMUNICATIONS, INC.**

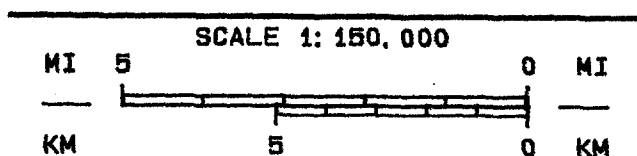


William G. Brown



## Usable Area

Map is State of Florida  
Scale 1:150,000  
©1993 DeLorme Mapping



**EXHIBIT #1**  
**Usable Area Study**  
**Counterproposal to PRM 8829**  
Channel 250A - 97.9 mHz  
St. Marks, Florida  
August 1996

**BROMO**  
**COMMUNICATIONS**

BROADCAST  
TECHNICAL CONSULTANTS

Allocation Study for Channel 250A  
St. Marks Florida

REFERENCE  
30 09 49 N  
84 09 58 W

CLASS = A  
Current Spacings

DISPLAY DATES  
DATA 08-16-96  
SEARCH 08-21-96

----- Channel 250 - 97.9 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Power	HAAT			
AD250	AD 250A	Woodville	FL	15.44	13.7	-99.56
30 17 56	84 07 40	0.000 kW	0 M			
		George Roberts d/b/a Anchor C	RM8829	960708		
		PRM-Site Restriction 11.7km East				
WTBB	LI 249C1	Bonifay	FL	133.01	287.3	0.01
30 30 41	85 29 24	CN 100.000 kW	253 M			
		Group M Communications, Inc.	BLH930401KC	930713		
WQHLFM	LI 251C2	Live Oak	FL	116.39	82.9	10.39
30 17 14	82 57 56	CN 50.000 kW	112 M			
		Day Communications, Inc.	BMLH930803KB	940209		
WMGREFM	LI 247C	Bainbridge	GA	115.57	341.9	20.57
31 09 12	84 32 42	CN 100.000 kW	305 M			
		Peterson Broadcasting Corpora	BLH850805LZ	940428		

**Allocation Study**

**EXHIBIT #2**  
**Usable Area Study**  
**Counterproposal to PRM 8829**  
Channel 250A - 97.9 mHz  
St. Marks, Florida  
August 1996


**BROMO** BROADCAST  
COMMUNICATIONS TECHNICAL CONSULTANTS

**CERTIFICATE OF SERVICE**

I, Elizabeth Queen, an employee in the law offices of Roberts & Eckard, P.C., do hereby certify that true copies of the foregoing "Comments and Counterproposal" were sent August 26, 1996, by first class United States mail, postage prepaid, or, as indicated, by hand, to the following:

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\* Delivery By Hand